

**STATE OF TEXAS  
COUNTY OF BEXAR  
CITY OF SAN ANTONIO**

**A WORK SESSION AND REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO WERE HELD IN THE MUNICIPAL PLAZA BUILDING, WEDNESDAY, OCTOBER 6, 2010 AND THURSDAY, OCTOBER 7, 2010, RESPECTIVELY.**

The San Antonio City Council convened in a Work Session at 2:00 pm Wednesday, **October 6, 2010**, Municipal Plaza Building with the following Councilmembers present: Cisneros, Taylor, Cortez, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **ABSENT:** Ramos and Medina.

**1. BRIEFING AND UPDATE ON THE ANIMAL CARE ADOPTION FACILITY AND SPAY AND NEUTER CLINIC PROJECT.**

Assistant City Manager T.C. Broadnax reported that a location for the proposed offsite adoption facility had been identified in the Animal Care Strategic Plan at 210 Tuleta that was the site of the former Animal Care Facility. He reported that the City Council had approved \$1.8 million for the facility in FY 2010 and that 3,000 adoptions and 10,000 spay/neuter surgeries would be provided at the new facility. He reported that the facility would be designed to maintain the integrity of the Historic Park and included providing a centralized site for adoptions and spay/neuter services and promoting responsible pet ownership.

Mike Frisbie stated that initial stakeholder meetings were held in Spring 2010 and a Request for Qualifications (RFQ) for design was subsequently issued in July 2010. He noted that the contract for design services would be brought to Council in October 2010. He stated the Design Contract Review Panel consisted of members of the San Antonio Conservation Society, Brackenridge Park, Friends of Animal Care, Animal Care Services Advisory Board, and city staff. He reported that the project would be completed in the Fall of 2012. He added that they would continue working with various groups to capture the historic nature of the park.

Mayor Castro asked of the number of animals that would be housed at the facility. Mr. Broadnax replied that they anticipated having 3,000 animals adopted per year. He added that they hope to provide 10,000 spay/neuter surgeries at the new facility. Mayor Castro asked of the concerns of the San Antonio Zoo. Mr. Frisbie stated that representatives from the San Antonio Zoo were part of the Design Review Panel and had been provided the opportunity for input. Mayor Castro stated that this was an important project to reaching the city's goals and asked that any issues be addressed. Councilmember Williams thanked staff for moving the item forward and asked of coordination with other entities. Mr. Frisbie replied that all entities were not in concurrence but would utilize a stakeholder involvement process with the design firm. Councilmember Williams encouraged staff to move forward with a design that provides visibility to ensure that animals are adopted. He asked of conflict with rescue organizations. Mr. Broadnax stated that they had not encountered any conflicts and that the organizations encouraged the use of off-site adoption facilities. Councilmember Williams asked of the budget. Mr. Broadnax replied that the \$1.8 million would cover adoptions and spay/neuter services and volunteers were fundraising to accommodate future needs.

## **2. BRIEFING ON THE QUARTERLY HIGH PROFILE FORECASTING REPORT.**

City Manager Sculley stated that said item was being presented to begin policy discussion with the City Council regarding upcoming High Profile Contracts and the RFP Process. She noted that they had received unsolicited proposals for the development of a Waste to Energy Facility and would proceed as directed by the City Council.

Chief Financial Officer Ben Gorzell provided an overview of the High Profile Contract Initiatives for the first quarter of FY 2011. He stated that a High Profile Forecasting Report was developed including the procurement method, term of proposed contract, estimated value, and anticipated release date. He noted that the report does not include Low-Bid Type Contracts.

Mr. Gorzell stated that High Profile Contracts meet one of the following conditions: 1) Estimated value of over \$1 million; 2) High level of community interest or other exceptional interest; or 3) Highly complex or Technical in nature. He provided an overview on the Airport Shuttle Services; Financial Advisor Services; Financial Underwriter Services; Library Strategic Plan; Brush Recycling Center; and Waste to Energy Project. He mentioned other High Profile Initiatives to be discussed with the City Council in October include the Animal Care Spay/Neuter Adoption Facility, Various Convention Center Improvements, and the Senior Comprehensive Nutrition Program.

Councilmember Williams stated that he appreciated the opportunity to provide input on High Profile Contract Initiatives and discussion should help improve the process. He noted that he had met with representatives from an entity soliciting Waste to Energy Services and there was a good amount of discussion that needed to occur prior to making a decision. He expressed concern with the high fee that would be charged to the city; the low amount of British Thermal Units (BTU) of the fuel; and the high purchase price of electricity. Councilmember Chan also expressed her appreciation for the opportunity to provide input on High Profile Contracting and asked of the Estimated Value in the report. Mr. Gorzell replied that it represented the cost of the contract. Councilmember Chan asked of the change in the Airport Shuttle contract term. Frank Miller replied that the five-year extension would allow for the capital investment to be made by the Shuttle Company.

Councilmember Chan asked of the contract for Financial Advisor Services. Ms. Sculley stated that one team would be selected as current advisors would continue to work on their existing contracts. Councilmember Chan asked of the number of consultants for the Financial Underwriters Pool. Mr. Gorzell stated that there would likely be between 14-16 consultants and would try to achieve the lowest cost of borrowing and local participation. He noted that there was an opportunity to negotiate the Underwriter Fee. Councilmember Chan requested time to gain a better understanding of the Waste to Energy Project and other services that could be provided.

Councilmember Cortez asked if the technology for the Waste to Energy Project had been tested or utilized in other cities. David McCary replied that the technology utilized was known as conversion technology and is new to the United States. He stated that additional research needed to be conducted. He noted that Waste to Energy was the last level before the landfill and that the issue must be carefully addressed so that green jobs or other opportunities for recycling are not negatively impacted. He added that Waste to Energy only represents 1% of renewable energy sources and there is a better return on investment on recycling. Councilmember Cortez stated that he would like to discuss said item with CPS Energy and consider the options. Ms. Sculley stated that staff will need to utilize outside

assistance to analyze the project. Councilmember Cortez requested that staff solicit grants to fund said project.

Councilmember Clamp asked of the variables on the contracts that the City Council could change and spoke of the need to discuss potential risks. He stated that the City Council would need some level of staff recommendation and that issues could be prevented prior to the City Council Meeting where the contract is being considered. Councilmember Williams concurred with Councilmember Cortez in regard to considering the option of Waste to Energy and stated that discussion should occur with CPS Energy since they would have to agree to purchase the power. He asked that the issue be addressed through the Infrastructure and Growth City Council Committee. Ms. Sculley stated that she would discuss same with Doyle Beneby of CPS Energy. Councilmember Lopez stated that the determining factors regarding Waste to Energy would be made by CPS Energy thus, it was important to work with CPS Energy. He added that the issue had been discussed at SA 2020 and the option should be considered.

Mayor Castro stated that he looked forward to the research that would be conducted on the Waste to Energy Project and how it could fit into the City's plan. He noted that the City Council should have the opportunity to define the point system in the RFP Process to ensure that policy values are factored and balanced between City Council and staff. He referenced issues with the contractor hired to perform work at Joe Ward Park and asked of a uniform analysis for contractors. Mayor Castro added that it was important for the public to understand how the city evaluates contractors in order to build a culture of responsiveness. Ms. Sculley referenced the SBEDA Ordinance that sets standards regarding the scoring system. She added that there should be a policy discussion regarding priorities other than local participation. Mayor Castro recognized city staff for their work in professionalizing the RFP Process.

### **EXECUTIVE SESSION**

Mayor Castro recessed the meeting at 3:31 pm to convene in Executive Session for the purposes of:

- A. DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY AND DISCUSS RELATED LEGAL ISSUES PURSUANT TO TEXAS GOVERNMENT CODE SECTIONS 551.072 (REAL PROPERTY) AND 551.071 (CONSULTATION WITH ATTORNEY).**
- B. DISCUSS LEGAL ISSUES RELATED TO *ISAAC VASQUEZ V. CITY OF SAN ANTONIO*, PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).**

Mayor Castro reconvened the meeting at 4:35 pm at which time it was noted that the City Council had been briefed on the above-styled matters but took no action.

### **ADJOURNMENT**

There being no further discussion, Mayor Castro adjourned the meeting at 4:35 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **October 7, 2010** at 9:00 am in the City Council Chambers.

### **ROLL CALL**

City Clerk, Leticia M. Vacek, took the Roll Call and noted a quorum of the Council with the following present: Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **ABSENT:** None.

**Item 1.** The Invocation was delivered by Chaplain (Col.) John Read, Medical Combat Chaplain, Fort Sam Houston, guest of Mayor Julián Castro.

**Item 2.** Mayor Castro led the Pledge of Allegiance to the Flag of the United States of America.

### **Item 3. MINUTES**

Councilmember Cisneros moved to approve the Minutes for the September 7, 2010 City Council Meetings. Councilmember Cortez seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAYS:** None. **ABSENT:** None.

### **POINT OF PERSONAL PRIVILEGE**

Councilmember Cortez recognized District 4 Board and Commission Appointees Ricardo Rivera, Stephanie S. Gomez, Chris D. Alderete, and Elda L. Flores and thanked them for their service.

### **ITEMS FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following Ordinance:

#### **2010-10-07-0853**

Item 4. AN ORDINANCE AMENDING CHAPTER 19, ARTICLE VII OF THE CITY CODE, TO PROHIBIT THE USE OF A HAND-HELD MOBILE COMMUNICATIONS DEVICE TO SEND, READ, OR WRITE A TEXT MESSAGE, OR ENGAGE IN ANY OTHER USE OF THE DEVICE BESIDES DIALING TELEPHONE NUMBERS OR TALKING TO ANOTHER PERSON, WHILE OPERATING A MOTOR VEHICLE, AND PROVIDING FOR A FINE OF UP TO \$200.00 PER VIOLATION.

Chief William McManus presented Item 4 and stated that the City Council had passed an ordinance on August 21, 2008 regulating the use of hand-held mobile telephones and communication devices in designated school zones. Subsequently, on September 1, 2009, State Law banned the use of cell phones in school zones. He noted that the issue of texting while driving had been presented to the Public Safety City Council Committee. Their recommendation is that the use of the phone, with the exception of dialing, answering and speaking, be prohibited while driving. He provided statistics from the National Highway Traffic and Safety Administration in which nearly 5,500 deaths and 450,000 injuries were caused by distracted drivers in 2009. He stated that text messaging was banned for all

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drivers in 30 states and the District of Columbia, and that school bus drivers were banned from texting in Texas and Oklahoma.

Chief McManus recommended that the dialing of telephone numbers and talking to another person be allowed. He stated that school zone restrictions would remain unchanged. He outlined the exceptions that include the vehicle being stopped and out of traffic lanes, as well as reasonable belief that a person's life or safety is in danger. He reported that warning citations would be issued the first 90 days following the effective date of the ordinance; thereafter, the maximum fine would be \$200. He added that the Police Department would educate the public on the importance and requirements of the new ordinance.

Mayor Castro called upon the individuals registered to speak on Item 4.

District Attorney Susan Reed spoke in support of the ordinance and referred to an accident that occurred in which a VIA Bus Driver had been texting while driving. She stated that texting while driving was dangerous and that it was important to establish a standard for the community. She thanked Councilmember Cortez for his work on said item and asked the City Council to vote in favor.

Leo Trevino stated that he was a biker, veteran and father and expressed concern with people that text while driving. He mentioned that just this morning, he counted 53 drivers that were texting and had to use his horn to keep them from moving into his lane. He stated that there must be accountability for people that text while on the road.

Nazirite Ruben Flores Perez stated that texting while driving was a distraction and spoke in support of the ordinance.

Myriam Aguilar spoke to the fact that there were already too many distractions on the road. She stated that she was a mother and would like to protect her children.

Cindy Aguilar also referenced the many distractions on the road and stated that driving requires concentration. She mentioned that she was a student at UTSA and spoke of her experience texting while driving. She stated that her car had rolled over three times and she had a near death experience.

Laura Escamilla stated that she was a mother and commonly witnessed individuals texting while driving. She said that she was in support of the ordinance and taking preventative and protective measures.

Julissa Florez stated that she was a mother and had been involved in an accident with an individual that was texting while driving. She asked the Council to vote in favor of the ordinance.

Veronica Gonzalez representing Commissioner Chico Rodriguez read a letter from Mr. Rodriguez stating that the issue of texting while driving had become more prevalent in San Antonio and referenced the many fatal accidents that had occurred. The letter mentioned the importance of educating the younger generation about the responsibilities of driving and recognized Councilmember Cortez and Former Temporary Acting Councilmember Cantu for bringing the issue forward.

Former Temporary Acting Councilmember Leticia Cantu addressed the City Council in support of the ordinance and thanked the Council for their support. She added that she was speaking as a mother and that the ordinance would help save lives.

Faris Hodge, Jr. submitted written testimony in support of Items 4 and 5.

Mayor Castro stated that this was a common sense approach to make San Antonio Roadways safe and recognized Councilmember Cortez and Former Temporary Acting Councilmember Leticia Cantu for their leadership on the issue. Councilmember Cortez asked of the enforcement of the ordinance. Chief McManus replied that enforcement would occur during Police Officers' regular course of duty. Councilmember Cortez asked of the study released indicating that prohibiting texting while driving increased accidents. Chief McManus replied that it was unfortunate that the statistic was released but that it did not make sense. He added that having a law in place would deter individuals from texting while driving. Councilmember Cortez spoke of the many accidents that have occurred due to individuals that were texting while driving and the need to address emerging technology. He stated the importance of a public education campaign and referenced the statewide ban on texting while driving that would be sponsored by Senator Uresti. He asked that it be included in the City's Legislative Agenda and thanked Former Temporary Acting Councilmember Cantu for bringing the issue forward.

Councilmember Cisneros spoke of the dangers of texting while driving and mentioned that there were many studies that had been conducted to confirm it. She stated that it was important to protect the community and asked that staff work with the Texas Department of Transportation to ensure that drivers are aware of the new law. Councilmember Williams spoke of the control factors used in the various studies and asked if the ordinance would make San Antonio a safer city. Chief McManus stated that he felt that it would make San Antonio a safer city. Councilmember Rodriguez asked of the category designation for traffic accidents. Chief McManus replied that accident reports utilized a category for distracted drivers. Councilmember Rodriguez stated that it did not take a study to understand the impact of texting while driving. He explained the importance of educating young drivers in the community and stated as Chair of the IGR, he would be pleased to add it to the list of legislative priorities.

Councilmember Lopez asked of novice drivers. Chief McManus replied that the term was utilized for individuals that have just received their Drivers License. Councilmember Lopez spoke of the importance of educating young drivers in the community about the new law. Councilmember Ramos asked of the penalty for violating the ordinance. Chief McManus replied that a fine of up to \$200 would be assessed. Councilmember Ramos stated that this was a step in the right direction and looked forward to working on a more comprehensive plan. She requested a list of the surrounding municipalities that have also passed a ban on texting while driving. Councilmember Medina spoke of the importance of outreach and education for young drivers in the community and mentioned that there were already many distractions while driving.

Councilmember Cortez moved to adopt the proposed Ordinance. Councilmember Rodriguez seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** None.

At this time, Mayor Castro announced that the San Antonio City Council would recess and convene as the San Antonio Municipal Facilities Corporation Board of Directors to consider Items 5A and 5B.

The City Clerk read the Resolutions for Items 5A and 5B:

Item 5. CONSIDERATION OF THE FOLLOWING ITEMS RELATED TO THE CITY'S FIRE AND POLICE EMERGENCY DISPATCH CENTER, A MUNICIPAL FACILITIES CORPORATION REVENUE BOND AND URBAN AREAS SECURITY INITIATIVE (UASI) GRANT FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 3:

**MFC 2010-10-07-0005R**

- A. A RESOLUTION SELECTING GUIDO SUNDT A JOINT VENTURE AS CONSTRUCTION MANAGER AT RISK AND AUTHORIZING A CONTRACT FOR PRECONSTRUCTION AND CONSTRUCTION PHASE SERVICES FOR UP TO \$13,310,311.00.

**MFC 2010-10-07-0006R**

- B. A RESOLUTION AUTHORIZING AN AMENDMENT IN THE INCREASED AMOUNT OF \$229,000.00 FOR COMMISSIONING SERVICES TO THE \$2,726,177.00 PROFESSIONAL SERVICES AGREEMENT WITH HELLMUTH, OBATA & KASSABAUM, LP.

Assistant City Manager Erik Walsh presented Items 5A and 5B stating that Guido Sundt, Joint Venture, was being selected as the Construction Manager at Risk for the City's Fire and Police Emergency Dispatch Center. He added that the agreement with HOK for commissioning services was being amended in the amount of \$229,000. He reported that the new facility would be built near the Emergency Operations Center at Brooks City-Base and house San Antonio Police and Fire Department Emergency Dispatch. He mentioned that the facility would be LEED Silver, and include state-of-the-art 9-1-1 call/dispatch equipment and workstations. He outlined the project budget in the amount of \$28,067,000 of which \$2,616,430 would be funded by an Urban Area Security Initiatives Grant and \$10 million to be funded by the Bexar Metro 911 District.

Former Councilmember Jimmy Hasslocher addressed the Council on behalf of the Bexar Metro 911 District and stated that he had been working on various projects since 1981. He spoke of the importance of the location of the facility and reported that Bexar Metro was committing \$10 million toward the project for a Public Safety Answering Point (PSAP). He stated that he was excited about the project and added that satellite facilities may be needed in the future.

Mayor Castro thanked Mr. Hasslocher for his leadership on said effort and recognized all of the partners in the project. Councilmember Ramos asked why approval of the Municipal Facilities Corporation was needed. Mr. Walsh replied that the corporation under State Law allows the city to build the facility and finance the debt from the operating component of the General Fund. He stated that this funding mechanism had been utilized to build the Development Services One-Stop Center and confirmed that this facility would not replace the Public Safety Headquarters. Councilmember Ramos recognized the Brooks Development Authority for their partnership in the project.

Councilmember Williams spoke of the importance of the Bexar Metro 911 District and asked of the number of sites and funding invested. Mr. Hasslocher replied that they were established in 1987 and that they worked within the suburbs of San Antonio, as well as Guadalupe and Comal Counties. He noted that they have invested millions of dollars over the years to update infrastructure.

Director Ramos moved to approve the Resolutions for Items 5A and 5B. Director Williams seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** Cortez.

At this time, Mayor Castro adjourned the San Antonio Municipal Facilities Corporation Board of Directors Meeting and reconvened the meeting of the San Antonio City Council.

**2010-10-07-0854**

- C. AN ORDINANCE SELECTING GUIDO SUNDT A JOINT VENTURE AS CONSTRUCTION MANAGER AT RISK AND AUTHORIZING A CONTRACT FOR PRECONSTRUCTION AND CONSTRUCTION PHASE SERVICES FOR UP TO \$13,310,311.00.

**2010-10-07-0855**

- D. AN ORDINANCE AUTHORIZING AN AMENDMENT IN THE INCREASED AMOUNT OF \$229,000.00 FOR COMMISSIONING SERVICES TO THE \$2,726,177.00 PROFESSIONAL SERVICES AGREEMENT WITH HELLMUTH, OBATA & KASSABAUM, LP.

Councilmember Ramos moved to adopt the proposed Ordinances for Items 5C and 5D. Councilmember Cisneros seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** Cortez.

**CONSENT AGENDA ITEMS 6-16**

Consent Agenda Items 9, 16A, and 16B were pulled for Individual Consideration.

Councilmember Ramos moved to approve the remaining Consent Agenda Items. Councilmember Cisneros seconded the motion.

Written testimony was received from Faris Hodge, Jr. in support of Items 6-15. He wrote in opposition to the tax abatement in Item 16.

The motion to approve the remaining Consent Agenda Items prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAYS:** None. **ABSENT:** Cortez.



**2010-10-07-0856**

Item 6. AN ORDINANCE AUTHORIZING CHANGE ORDERS IN THE INCREASED TOTAL AMOUNT OF \$146,623.25 TO THE CONTRACTS WITH WASTE SYSTEMS EQUIPMENT, INC. AND FREIGHTLINER OF SAN ANTONIO, LTD. FOR ONE ADDITIONAL BRUSH COLLECTION TRUCK WITH GRAPPLER, FUNDED UTILIZING THE FY 2011 SOLID WASTE OPERATING FUND.

**2010-10-07-0857**

Item 7. AN ORDINANCE AUTHORIZING A CONSTRUCTION CONTRACT WITH YANTIS COMPANY IN THE AMOUNT OF \$3,571,399.00, OF WHICH \$405,513.50 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM AND \$867,900.00 WILL BE REIMBURSED BY CPS ENERGY, FOR THE RANDOLPH/WEIDNER DRAINAGE IMPROVEMENTS PROJECT, AN AUTHORIZED HOUSING AND URBAN DEVELOPMENT 108 LOAN PROGRAM AND STORM WATER REGIONAL FACILITY FUND PROJECT LOCATED IN COUNCIL DISTRICT 10.

**2010-10-07-0858**

Item 8. AN ORDINANCE AUTHORIZING A CONSTRUCTION CONTRACT WITH MJC INDUSTRIES, INC. IN THE AMOUNT OF \$2,328,217.06 TO CONSTRUCT STREET, DRAINAGE, TRAFFIC AND PEDESTRIAN ACCESS RELATED PROJECTS FOR THE 2010-2011 TASK ORDER CONTRACT FOR PUBLIC WORKS MAINTENANCE AND CONSTRUCTION PACKAGE VI PROJECTS.

**2010-10-07-0860**

Item 10. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF FUNDS UPON AWARD FOR AN ANTI-GANG GRANT FROM THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION IN THE AMOUNT OF \$250,000.00 TO TARGET ADULT GANG ACTIVITIES; AND ESTABLISHING A BUDGET FOR THE GRANT PERIOD NOVEMBER 1, 2010 THROUGH SEPTEMBER 30, 2011.

Item 11. CONSIDERATION OF THE FOLLOWING BOARD, COMMISSION AND COMMITTEE APPOINTMENTS FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE MAY 31, 2011, TO BE EFFECTIVE IMMEDIATELY UPON THE RECEIPT OF EIGHT AFFIRMATIVE VOTES, OR, IN THE EVENT EIGHT AFFIRMATIVE VOTES ARE NOT RECEIVED, TEN DAYS AFTER APPOINTMENT; OR FOR TERMS AND EFFECTIVENESS AS OTHERWISE INDICATED BELOW:

- A. APPOINTING SYLVIA ELGUEZABAL (DISTRICT 2) TO KEEP SAN ANTONIO BEAUTIFUL, INC. FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE DECEMBER 22, 2011.
- B. REAPPOINTING RICARDO RIVERA (DISTRICT 4, CATEGORY: MANUFACTURERS REPRESENTATIVE OR DISTRIBUTOR OF REFRIGERATION, HEATING, OR AIR CONDITIONER EQUIPMENT) TO THE MECHANICAL APPEALS AND ADVISORY BOARD.

- C. APPOINTING STEPHANIE S. GOMEZ (DISTRICT 4), RICHARD VASQUEZ, JR. (DISTRICT 4), AURIEL S. DOSS (DISTRICT 9) AND MEGAN I. RODRIGUEZ (DISTRICT 9) TO THE SAN ANTONIO YOUTH COMMISSION.
- D. REAPPOINTING CHRIS D. ALDERETE (DISTRICT 4) TO THE PORT AUTHORITY OF SAN ANTONIO FOR A TERM OF OFFICE TO COMMENCE DECEMBER 1, 2010 AND EXPIRE NOVEMBER 30, 2012.
- E. REAPPOINTING ELDA L. FLORES (DISTRICT 4) TO THE SAN ANTONIO PUBLIC LIBRARY BOARD OF TRUSTEES FOR A TERM OF OFFICE TO COMMENCE OCTOBER 1, 2010 AND EXPIRE SEPTEMBER 30, 2012.

**2010-10-07-0861**

Item 12. AN ORDINANCE AUTHORIZING INTERLOCAL AGREEMENTS WITH SAN ANTONIO INDEPENDENT SCHOOL DISTRICT AND EDGEWOOD INDEPENDENT SCHOOL DISTRICT FOR UP TO \$325,000.00 AND \$75,000.00, RESPECTIVELY, FOR RENOVATIONS AND EQUIPMENT FOR VERY EARLY CHILDHOOD CENTERS.

**2010-10-07-0862**

Item 13. AN ORDINANCE AUTHORIZING THE REPROGRAMMING OF FY 2009-2010 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN THE AMOUNT OF \$175,280.00, AVAILABLE FROM COUNCIL DISTRICT 7 WOODLAWN LAKE PEDESTRIAN BRIDGE TO WOODLAWN LAKE PARK IMPROVEMENTS.

**2010-10-07-0863**

Item 14. AN ORDINANCE AUTHORIZING CONTRACT EXTENSIONS WITH SAFEWAY CERTIFICATIONS, 360 TRAINING.COM, DSB WORLDWIDE, INC., AND STATE FOOD SAFETY TO PROVIDE FOOD HANDLER CERTIFICATION SERVICES FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT THROUGH JANUARY 31, 2011.

**2010-10-07-0864**

Item 15. AN ORDINANCE AUTHORIZING AN AGREEMENT WITH BECTON, DICKINSON AND COMPANY FOR A 6-YEAR, 100% AD VALOREM TAX ABATEMENT ON APPROXIMATELY \$6.35 MILLION IN REAL AND PERSONAL PROPERTY IMPROVEMENTS; AND APPROVING \$100,000.00 IN CUSTOMIZED TRAINING CREDITS OVER TWO YEARS TO BE ADMINISTERED THROUGH THE CITY'S INTERLOCAL AGREEMENT WITH ALAMO COLLEGES.

**[CONSENT ITEMS CONCLUDED]**

**ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following Ordinance:

**2010-10-07-0859**

Item 9. AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH DEDICATION FROM THE UNIVERSITY OF THE INCARNATE WORD AND AT&T, FOR THREE PARCELS OF PRIVATELY OWNED REAL PROPERTY LOCATED ON THE NORTH AND SOUTH SIDE

OF HILDEBRAND AVENUE, WEST OF BROADWAY STREET IN COUNCIL DISTRICT 9, N.C.B. A52 AND N.C.B. 49, AS PART OF THE BROADWAY CORRIDOR PHASE IIIA PROJECT; AND, IF NECESSARY, AUTHORIZING THE ACQUISITION THROUGH NEGOTIATION OR CONDEMNATION OF THE ABOVE PROPERTY; DECLARING IT TO BE A PUBLIC PROJECT; AND DECLARING A PUBLIC NECESSITY FOR THE ACQUISITIONS.

Mike Frisbie presented that said ordinance would accept property donated from AT&T and the University of the Incarnate Word for the Broadway Corridor Phase IIIA Project. He noted that if the property was not donated, the city would acquire the property through negotiation or condemnation. He reported that the project includes widening of Hildebrand Avenue with curbs, sidewalks, driveway approaches, and center turn lanes and necessary traffic signal improvements. He stated that the project would also provide a drainage system across Broadway. He recognized Dr. Lou Agnese, Former Mayor Howard Peak, and Lou Fox for their cooperation in this project.

Councilmember Chan stated that this was an important project that would alleviate traffic congestion and address drainage issues in the area. She noted that this was an important access point to Broadway. She asked of the project timeline. Mr. Frisbie replied that the project will be bid in January 2011 and construction will begin in the spring with a one-year completion period.

Councilmember Chan moved to adopt the proposed Ordinance. Councilmember Clamp seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** Cortez.

The City Clerk read the following Ordinances:

Item 16. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATING TO ECONOMIC DEVELOPMENT INCENTIVES FOR CON-WAY FREIGHT, INC.:

**2010-10-07-0865**

- A. AN ORDINANCE ESTABLISHING THE CON-WAY REINVESTMENT ZONE, LOCATED AT 1511 CORNERWAY BLVD, SAN ANTONIO, TEXAS IN COUNCIL DISTRICT 2.

**2010-10-07-0866**

- B. AN ORDINANCE APPROVING AN AGREEMENT WITH CON-WAY FREIGHT, INC. FOR A 6-YEAR, 35% REAL AND PERSONAL PROPERTY AD VALOREM TAX ABATEMENT AND AN ECONOMIC DEVELOPMENT PROGRAM GRANT OF \$82,000.00.

Rene Dominguez stated that said items would establish the Con-Way Reinvestment Zone and approve a 6-year, 35% tax abatement and Economic Development Program Grant in the amount of \$82,000. He noted that Con-Way Freight, Inc. would retain 73 jobs and create 76 new jobs by expanding their facility in Council District 2.

Councilmember Taylor stated that she was pleased that Con-Way Freight, Inc. was expanding in District 2 and thanked them for their commitment in bringing new jobs to the area. Councilmember Cisneros thanked Con-Way Freight, Inc. for their commitment to District 2 and complimented them for the creation of new jobs and the scholarships provided to employees' children. She also recognized them for the awards received for their support of employees that are called to Active Military Duty. Councilmember Chan thanked Con-Way Freight, Inc. for their continued investment in San Antonio and spoke of the importance of providing incentives for existing businesses. Mayor Castro commended Con-Way Freight, Inc. for their expansion in San Antonio adding that it was important to foster growth in addition to attracting new companies.

Councilmember Taylor moved to adopt the proposed Ordinances for Items 16A and 16B. Councilmember Cisneros seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Medina, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** None.

### **Item 17. CITY MANAGER'S REPORT**

#### **A. UPDATE ON BICYCLING INITIATIVES**

Ms. Sculley reported on several bicycling initiatives that include the update and implementation of the Bike Master Plan. She noted that they would begin a series of public meetings on October 11<sup>th</sup> to receive input and prioritize bike projects. She spoke of the Bike Share Membership Drive and Demonstration Program that would occur on October 29<sup>th</sup> and 30<sup>th</sup> and stated that 140 bikes would be available at 14 locations beginning in January 2011. Lastly, she reported that the League of American Bicyclists awarded San Antonio the Bicycle Friendly Community Bronze Status. She stated that only Austin was ahead with a Silver Award.

#### **B. OVERALL ECONOMIC DEVELOPMENT SUCCESSES FROM 2010**

Ms. Sculley reported that since FY 2009, the city has recapitalized the Economic Development Fund and in FY 2011, will have \$5 million to utilize. She spoke of the job growth in San Antonio despite the national recession and the 18 projects that created nearly 4,400 new jobs and retained 5,500 existing jobs. She noted that staff had leveraged more than \$500 million in private investments over the past year.

Councilmember Cisneros thanked city staff for implementing the Bike Share Program and spoke of the great successes in economic development. She recognized Mayor Castro on the opening of Café College and invited everyone to attend the opening of the first Off-Leash Dog Park in District 1 located at Madison Square Park. Mayor Castro also recognized the successes within the economic development restructure and stated that efforts to make San Antonio more bike-friendly were greatly appreciated.

Councilmember Medina expressed condolences to the family of District 5 Zoning Commission Board Member Joe Valadez who passed away this week. Mayor Castro also expressed his condolences to the Valadez Family for their loss. Councilmember Cortez also added his condolences to the Valadez Family and stated that Mr. Valadez's daughter, Sarah, was working in the District 4 Office.

Mayor Castro and the Councilmembers recognized City Clerk Leticia M. Vacek on her birthday and Mayor Castro led everyone in singing Happy Birthday.

### **RECESSED**

Mayor Castro recessed the meeting at 11:00 am to break for lunch and announced that the meeting would resume at 2:00 pm for Zoning.

### **RECONVENED**

Mayor Castro reconvened the meeting at 2:05 pm and addressed the Consent Zoning Items.

### **CONSENT ZONING ITEMS**

Councilmember Ramos moved to approve the following rezoning cases, noting that Staff and Zoning Commission recommendation were to approve and that no citizens had registered to speak against: Z-4, Z-5, Z-6, Z-7, Z-8, Z-9, P-4 and Z-13. Councilmember Clamp seconded the motion.

Mayor Castro called upon the individuals registered to speak on the Consent Zoning Items.

James Bass stated that his office was located at 9002 Wurzbach and he had officed there since 1976 when the building was built. He expressed concern with the parking and traffic in the area and noted that he was opposed to the rezoning in Item Z-7.

Jack M. Finger expressed concern with Item P-1 regarding the garage apartment in which living space had been added in violation of the Unified Development Code. He stated that the multi-unit would continue to be at odds with density patterns in the surrounding neighborhood. He noted that the East Gate Neighborhood Association was opposed to the zoning in Item Z-2. With regard to Item P-3, he asked if the area warranted the upgrade and if a traffic study had been conducted. Lastly, he asked if the art events in Item Z-10 would cause traffic issues.

The motion to approve the Consent Zoning Items prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** Medina.

### **2010-10-07-0870**

Item Z-4. **ZONING CASE # Z2010135 (District 3):** An Ordinance amending the Zoning District Boundary from "NP-10 AHOD" Neighborhood Preservation Airport Hazard Overlay District to "C-3 NA AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay District on Parcel 25-A, NCB 18191 located at 9551 Old Corpus Christi Road. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: PARCEL 25-A, NCB 18191 TO WIT: FROM "NP-10 AHOD" NEIGHBORHOOD

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PRESERVATION AIRPORT HAZARD OVERLAY DISTRICT TO "C-3 NA AHOD" GENERAL COMMERCIAL NONALCOHOLIC SALES AIRPORT HAZARD OVERLAY DISTRICT.

**2010-10-07-0871**

Item Z-5. **ZONING CASE # Z2010096 CD (District 8):** An Ordinance amending the Zoning District Boundary from "O-1 GC-1 MLOD-1" Office Hill Country Gateway Corridor Overlay Military Lighting Overlay District, "C-2 GC-1 MLOD-1" Commercial Hill Country Gateway Corridor Overlay Military Lighting Overlay District, "C-2 CD GC-1 MLOD-1" Commercial Hill Country Gateway Corridor Overlay Military Lighting Overlay District with a Conditional Use for a Office Warehouse and Motel and "C-1 S GC-1 MLOD-1" Light Commercial Hill Country Gateway Corridor Overlay Military Lighting Overlay District with a Specific Use Authorization for a restaurant, theater, and sale of alcoholic beverages incidental to consumption of food sales to "C-2 CD GC-1 MLOD-1" Commercial Hill Country Gateway Corridor Overlay Military Lighting Overlay District with a Conditional Use for Motor Vehicles Sales - Full Service on a 8.902 acre tract of land out of NCB 35733 and NCB 18337 located on the 21400 Block of Interstate Highway 10 West. Staff and Zoning Commission recommend approval. (With conditions)

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: A 8.902 ACRE TRACT OF LAND OUT OF NCB 35733 AND NCB 18337 TO WIT: FROM "O-1 GC-1 MLOD-1" OFFICE HILL COUNTRY GATEWAY CORRIDOR OVERLAY MILITARY LIGHTING OVERLAY DISTRICT, "C-2 GC-1 MLOD-1" COMMERCIAL HILL COUNTRY GATEWAY CORRIDOR OVERLAY MILITARY LIGHTING OVERLAY DISTRICT, "C-2 CD GC-1 MLOD-1" COMMERCIAL HILL COUNTRY GATEWAY CORRIDOR OVERLAY MILITARY LIGHTING OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A OFFICE WAREHOUSE AND MOTEL AND "C-1 S GC-1 MLOD-1" LIGHT COMMERCIAL HILL COUNTRY GATEWAY CORRIDOR OVERLAY MILITARY LIGHTING OVERLAY DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A RESTAURANT, THEATER, AND SALES OF ALCOHOLIC BEVERAGES INCIDENTAL TO CONSUMPTION OF FOOD SALES TO "C-2 CD GC-1 MLOD-1" COMMERCIAL HILL COUNTRY GATEWAY CORRIDOR OVERLAY MILITARY LIGHTING OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A MOTOR VEHICLES SALES - FULL SERVICE PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

**2010-10-07-0872**

Item Z-6. **ZONING CASE # Z2010137 ERZD (District 8):** An Ordinance amending the Zoning District Boundary from "DR ERZD" Development Reserve Edwards Recharge Zone District to "ED ERZD" Entertainment Edwards Recharge Zone District on Lots 1, 2, CB 4540A and Parcel 21, Parcel 7A, CB 4540 (22.205 Acres) located at 13715 FM 1560 (Hausman Road). Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOTS 1, 2, CB 4540A AND PARCEL 21, PARCEL 7A, CB 4540 (22.205 ACRES) TO WIT: FROM

"DR ERZD" DEVELOPMENT RESERVE EDWARDS RECHARGE ZONE DISTRICT TO "ED ERZD" ENTERTAINMENT EDWARDS RECHARGE ZONE DISTRICT.

**2010-10-07-0873**

Item Z-7. **ZONING CASE # Z2010138 (District 8):** An Ordinance amending the Zoning District Boundary from "O-2" High-Rise Office District to "C-2 NA" Commercial Nonalcoholic Sales District on Lots 5 and 6, Block 1, NCB 14281 located at 8940 and 9000 Wurzbach Road. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOTS 5 AND 6, BLOCK 1, NCB 14281 TO WIT: FROM "O-2" HIGH-RISE OFFICE DISTRICT TO "C-2 NA" COMMERCIAL NONALCOHOLIC SALES DISTRICT.

**2010-10-07-0874**

Item Z-8. **ZONING CASE # Z2010147 CD (District 8):** An Ordinance amending the Zoning District Boundary from "C-2 AHOD" Commercial Airport Hazard Overlay District to "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use for a Nightclub Without Cover Charge 3 or More Days Per Week on 0.0610 of an acre out of NCB 13663 located at 7401 Wurzbach Road. Staff recommends approval. Zoning Commission recommendation pending the October 5, 2010 public hearing.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 0.0610 OF AN ACRE OUT OF NCB 13663 TO WIT: FROM "C-2 AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT TO "C-2 CD AHOD" COMMERCIAL AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A NIGHTCLUB WITHOUT COVER CHARGE 3 OR MORE DAYS PER WEEK PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

**2010-10-07-0875**

Item Z-9. **ZONING CASE # Z2010131 ERZD MSAO-1 (Districts 8 & 9):** An Ordinance amending the Zoning District Boundary to add the "MSAO-1" Camp Bullis Military Sound Attenuation Overlay District on all properties in the area generally bound to the North by the southern and eastern boundary of Camp Bullis and the municipal boundary of the City of San Antonio; to the West by the municipal boundary of the City of San Antonio, Moss Brook Drive, and Babcock Road south of Moss Brook Drive; to the South by Loop 1604; and to the East by Huebner Road from its intersection with Loop 1604 to its intersection with Stone Oak Parkway, thence by Stone Oak Parkway to its intersection with Hardy Oak Boulevard, Hardy Oak Boulevard between Stone Oak Parkway and Wilderness Oak, and by Wilderness Oak east from its intersection with Hardy Oak Boulevard to the municipal boundary of the City of San Antonio. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS:

ALL PROPERTIES IN THE AREA GENERALLY BOUND TO THE NORTH BY THE SOUTHERN AND EASTERN BOUNDARY OF CAMP BULLIS AND THE MUNICIPAL BOUNDARY OF THE CITY OF SAN ANTONIO; TO THE WEST BY THE MUNICIPAL BOUNDARY OF THE CITY OF SAN ANTONIO, MOSS BROOK DRIVE, AND BABCOCK ROAD SOUTH OF MOSS BROOK DRIVE; TO THE SOUTH BY LOOP 1604; AND TO THE EAST BY HUEBNER ROAD FROM ITS INTERSECTION WITH LOOP 1604 TO ITS INTERSECTION WITH STONE OAK PARKWAY, THENCE BY STONE OAK PARKWAY TO ITS INTERSECTION WITH HARDY OAK BOULEVARD, HARDY OAK BOULEVARD BETWEEN STONE OAK PARKWAY AND WILDERNESS OAK, AND BY WILDERNESS OAK EAST FROM ITS INTERSECTION WITH HARDY OAK BOULEVARD TO THE MUNICIPAL BOUNDARY OF THE CITY OF SAN ANTONIO. TO WIT: APPLICATION OF THE "MSAO-1" CAMP BULLIS MILITARY SOUND ATTENUATION OVERLAY DISTRICT.

**2010-10-07-0877**

Item P-4. **PLAN AMENDMENT (District 10):** An Ordinance amending the Major Thoroughfare Plan, a component of the City of San Antonio Master Plan, to de-designate a proposed Secondary Arterial Type A (86' right-of-way) segment of Redland Road; extend the Secondary Arterial Type A (86' right-of-way) designation on an existing and new alignment of Classen Road; and re-align and re-designate an existing and proposed segment of Bulverde Road from Primary Arterial Type A (120' right-of-way) to Secondary Arterial Type A (86' right-of-way), all generally located south of N Loop 1604, east of HWY 281, and west of O'Connor Road.

**2010-10-07-0878**

Item Z-13. **ZONING CASE # Z2010141 (District 10):** An Ordinance amending the Zoning District Boundary from "I-1 IH-1 AHOD" General Industrial Northeast Gateway Corridor Airport Hazard Overlay District to "C-3 IH-1 AHOD" General Commercial Northeast Gateway Corridor Airport Hazard Overlay District on Lot 39, Block 1, NCB 14952 located on a portion of the 11600 Block of Interstate 35. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 39, BLOCK 1, NCB 14952 TO WIT: FROM "I-1 IH-1 AHOD" GENERAL INDUSTRIAL NORTHEAST GATEWAY CORRIDOR AIRPORT HAZARD OVERLAY DISTRICT TO "C-3 IH-1 AHOD" GENERAL COMMERCIAL NORTHEAST GATEWAY CORRIDOR AIRPORT HAZARD OVERLAY DISTRICT.

**[CONSENT ZONING CONCLUDED]**

**INDIVIDUAL ZONING ITEMS**

Items P-1 and Z-1 were addressed jointly.

**2010-10-07-0867**

Item P-1. **PLAN AMENDMENT # 10001 (District 1):** An Ordinance amending the land use plan contained in the Near Northwest Community Plan, a component of the Master Plan of the City, by changing the use of approximately 0.1377 acres located at 1333 Santa Barbara Street, from Urban



Low-Density Residential land use to Medium-Density Residential land use. Staff and Planning Commission recommend disapproval. (Associated Zoning Case: 2210017)

**2010-10-07-0868**

Item Z-1. **ZONING CASE # Z2010017 (District 1):** An Ordinance amending the Zoning District Boundary from "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District to "MF-18 AHOD" Multi-Family Airport Hazard Overlay District on Lot 19, Block 28, NCB 7151 located at 1333 Santa Barbara. Staff recommends denial. Zoning Commission recommends approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 19, BLOCK 28, NCB 7151 TO WIT: FROM "R-4 AHOD" RESIDENTIAL SINGLE-FAMILY AIRPORT HAZARD OVERLAY DISTRICT TO "MF-18 AHOD" MULTI-FAMILY AIRPORT HAZARD OVERLAY DISTRICT.

Chris Looney presented Items P-1 and Z-1 and stated that staff recommended denial of the Plan Amendment and Zoning. He reported that the Planning Commission recommended denial of the Plan Amendment while the Zoning Commission recommended approval of the zoning change. He mentioned that the Los Angeles Heights Neighborhood Association recommended approval of the Plan Amendment and zoning.

Mayor Castro called upon the individuals registered to speak on said items.

Habib Erkan submitted a declaration of use restrictions for said item and stated that they had been agreed upon with the Los Angeles Heights Neighborhood Association.

JoAnn Lopez of the Los Angeles Heights Neighborhood Association stated that she was in favor of the zoning and thanked Councilmember Cisneros for listening to their concerns. She noted that she had spoken to many individuals that live in the area and they were also in support.

Richard G. Acosta stated that he was the new President of the Los Angeles Heights Neighborhood Association and has lived there for 26 years. He stated that they were in favor of the Plan Amendment and zoning as they did not want another vacant property in the area.

Councilmember Cisneros stated that approval of the Plan Amendment and zoning would allow for the structure to be rehabilitated and bring value back to the neighborhood. She thanked the property owners for agreeing to deed restrictions and addressing parking issues in the neighborhood. She provided a letter of support for the Plan Amendment and Zoning change from the Los Angeles Heights Neighborhood Association.

Councilmember Cisneros moved to adopt the proposed Ordinances for Items P-1 and Z-1 with the following deed restrictions:

1) The "Burdened Property" shall be used for no more than two-family dwellings, as that term is defined in the City of San Antonio's Unified Development Code as of the date of execution of the restrictive covenants.

2) In the repair and rehabilitation of the existing structures, or the construction of replacement structures, no construction features shall be permitted which would place the structure out of character with the surrounding neighborhood and any new construction shall include the use of architectural styles compatible with the local traditions.

3) All exterior lighting installed on the "Burdened Property" shall be installed, regulated and maintained by the Declarant or person in control thereof in such a manner that the direct beam of any such light shall be oriented so that it will not glare upon any neighboring property and any illumination from direct or indirect lighting in, on, or over the ground at or beyond the boundary of the "Burdened Property" will be minimized.

4) Declarant, tenants, guests, invitees and others who provide services, such as repair and maintenance to the "Burdened Property" shall not park any vehicle on the street, except for the street frontage immediately adjacent to the "Burdened Property."

5) There shall be no permanent exterior signage on the "Burdened Property" other than house numbering.

6) The provisions of this Declaration shall be referenced in any future sale, lease or other conveyance of possession of the "Burdened Property."

Councilmember Cortez seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Lopez, Rodriguez, Williams, Chan. Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** Medina.

#### **CONTINUED**

Item Z-2. **ZONING CASE # Z2010056 S (District 2):** An Ordinance amending the Zoning District Boundary from "C-3 NA AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay District to "C-3 NA S AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay District with a Specific Use Authorization for Truck Repair and Maintenance on Lots 21 and 22, Block 2, NCB 12869 located at 801 Stutts Drive. Staff recommends approval with conditions. Zoning Commission failed to pass a motion for this case; therefore it moves forward to City Council as a recommendation for denial.

Chris Looney presented Item Z-2 and stated that staff recommended approval with the following conditions:

- 1) Business or office hours of operation shall not be permitted before 9:00 am or after 5:00 pm;
- 2) No ingress or egress from Stutts Drive; and
- 3) No storage of junk vehicles or trucks.

He stated that the Zoning Commission failed to pass a motion and therefore; moves forward with a recommendation of denial. He noted that 16 notices were mailed with two responses received in opposition. He mentioned that of the six responses received in favor, four were submitted by the property owner. He added that the East Gate Neighborhood Association was in opposition.

Councilmember Taylor moved to continue Item Z-2 until November 4, 2010. Councilmember Clamp seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** Medina.

Items P-2 and Z-3 were addressed jointly.

#### **CONTINUED**

Item P-2. **PLAN AMENDMENT #10019 (District 2):** An Ordinance amending the land use plan contained in the Eastern Triangle Community Plan, a component of the Master Plan of the City, by changing the land use of 1) approximately 12.083 acres located at the 4600 block of Media Meadow Street, the 6000 and 6100 blocks of Channel View Street, the 3600 block of Foster Meadows, the 4600 block of La Route Street, the 4600 block of Le Villas Street, the 4600 block of Airstream Street, and 4602, 4603, 4607, 4611, 4614, 4615, 4618, and 4619 Red Heeler Street from Agriculture land use to Low Density Residential Land Use; and 2) approximately 0.547 acres located at 4606 and 4610 Red Heeler Street from Agriculture land use and Parks/Open Space land use to Low Density Residential land use. Staff and Planning Commission recommend approval. (Associated Zoning Case: Z2010116)

#### **CONTINUED**

Item Z-3. **ZONING CASE # Z2010116 (District 2):** An Ordinance amending the Zoning District Boundary from "R-6" Residential Single-Family District to "R-5" Residential Single Family District on 5.959 acres and "R-4" Residential Single-Family District on 6.68 acres, all on 12.639 acres out of NCB 18279 located on multiple properties located along Foster Meadow Drive, Channel View, Media Meadow, Le Villas, La Route, Airstream, and Red Heeler streets. Staff and Zoning Commission recommend approval pending the plan amendment.

Chris Looney stated that staff and the Zoning Commission recommended approval of the Plan Amendment and Zoning. He noted that 168 notices were mailed with one response received in opposition. He added that the Crest Lake Homeowners Association was in support of the request.

Mayor Castro called upon James McNamara to speak on said items.

Mr. McNamara stated that a great amount of work had been done on the zoning case and requested that it be continued to address concerns from the neighborhood.

Councilmember Taylor moved to continue Items P-2 and Z-3 for two weeks. Councilmember Clamp seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** Medina.

#### **2010-10-07-0876**

Item Z-10. **ZONING CASE # Z2010148 CD (District 9):** An Ordinance amending the Zoning District Boundary from "MF-33 NCD-6 AHOD" Multi-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District to "RM-4 CD NCD-6 AHOD" Residential Mixed Mahncke Park Neighborhood Conservation Airport Hazard Overlay District with a Conditional Use for an Art Studio on Lot 14, Block 6, NCB 6094 located at 200 and 202 Queen Anne Court. Staff and Zoning Commission recommend approval with conditions.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS:

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LOT 14, BLOCK 6, NCB 6094 TO WIT: FROM "MF-33 NCD-6 AHOD" MULTI-FAMILY MAHNCKE PARK NEIGHBORHOOD CONSERVATION AIRPORT HAZARD OVERLAY DISTRICT TO "RM-4 CD NCD-6 AHOD" RESIDENTIAL MIXED MAHNCKE PARK NEIGHBORHOOD CONSERVATION AIRPORT HAZARD OVERLAY DISTRICT WITH A CONDITIONAL USE FOR AN ART STUDIO PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

Chris Looney presented Item Z-10 and stated that staff and the Zoning Commission recommended approval with the following conditions: 1) Art Studio should include instruction space and administrative offices; 2) Hours of Operation shall be between 9:00 am and 9:00 pm from Monday through Saturday; 3) On-site parking shall be limited as indicated on the Site Plan and the remaining parking requirements shall be met through a cooperative parking agreement with an adjacent business owner; 4) Any outdoor classes shall not be permitted after sundown; and 5) A six-foot tall solid screen fence shall be maintained along the property line of the side and rear yards where the subject property abuts residential uses. He noted that 27 notices had been mailed with one response received in favor and three in opposition. He added that the Mahncke Park Neighborhood Association was in opposition.

Bert Hargesheimer, President of the Mahncke Park Neighborhood Association spoke against the zoning noting that it was inconsistent with the Master Plan. He expressed concern that it would bring commercial development into a residential area.

Councilmember Chan stated that she would like to adhere to the Neighborhood Plan and asked staff of the concern addressed by Mr. Hargesheimer. Mr. Looney replied that the proposed zoning would downgrade the current zoning from MF-33 to RM-4 which does not allow the intensity of residential uses of MF-33 and would improve the single family residences that abut the property. He added that the conditional use for an art studio would provide an opportunity for a low-impact commercial activity. Councilmember Chan confirmed that the parking issues had been addressed and that three property owners in the area had spoken in favor of the zoning at the Zoning Commission Meeting. Mr. Looney confirmed same. Councilmember Williams asked of the storage yard along Alberta. Mr. Looney replied that it was an open storage area for nursery materials. Councilmember Williams asked of the parking lot depicted on the Site Plan. Mr. Looney confirmed that it was still an active parking area. Councilmember Williams stated that there were clearly a lot of commercial uses in the area.

Councilmember Chan moved to approve said item with the conditions as outlined by staff and the Zoning Commission. Councilmember Williams seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** Medina.

### **CONTINUED**

Item Z-11. **ZONING CASE # Z2010009 (District 10):** An Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District and "C-2NA AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District to "C-2 AHOD" Commercial Airport Hazard Overlay District on Tract 1A and 0.937 Acres out of Tract 2, NCB 16587 located at 15602 and 15700 Nacogdoches Road. Staff and Zoning Commission recommend approval. (Continued from September 16, 2010)

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Chris Looney presented Item Z-11 and stated that staff and the Zoning Commission recommended approval. He noted that 11 notices were mailed with one response received in favor and none received in opposition. He added that no response had been received from the Fox Run Neighborhood Association.

Councilmember Clamp moved to continue said item until November 4, 2010. Councilmember Chan seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** Medina.

#### **CONTINUED**

Item Z-12. **ZONING CASE # Z2010125 S ERZD (District 10):** An Ordinance amending the Zoning District Boundary from "C-2 ERZD" Commercial Edwards Recharge Zone District to "C-2 S ERZD" Commercial Edwards Recharge Zone District with a Specific Use Authorization to allow a Wireless Communication System on 0.037 of an acre out of CB 5014 (NCB 17194) located at 15943 Bulverde Road. Staff and Zoning Commission recommend approval.

Chris Looney presented Item Z-12 and stated that staff and the Zoning Commission recommended approval. He noted that four notices had been mailed and no responses had been received. He added that no response had been received from the Range Rider Homeowners Association.

Mayor Castro recognized Dan Blue to speak on said item.

Mr. Blue stated that he had owned the property since 1984 and it had been used for commercial construction equipment and RV and Boat Storage. He noted that he had been working on the zoning for two years and hoped to have it approved today.

Councilmember Clamp moved to continue said item to November 4, 2010. Councilmember Chan seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** Medina.

#### **2010-10-07-0869**

Item P-3. **PLAN AMENDMENT (District 3):** An Ordinance amending the Major Thoroughfare Plan, a component of the City of San Antonio Master Plan, to designate a segment of existing Goliad Road as Secondary Arterial Type B (70' - 86' right-of-way), from Pecan Valley Road to SE Loop 410.

Trish Wallace presented Item P-3 and stated that the advantage of adding a segment of Goliad Road to the Major Thoroughfare Plan was that additional right-of-way could be acquired to enhance the road and build more capacity. Additionally, it will increase the opportunity to receive Federal Funding for improvements. She noted that staff and the Planning Commission recommended approval of the Plan Amendment.

Councilmember Ramos thanked staff for bringing the item forward and stated that she was pleased that this segment of Goliad Road would be added to the Major Thoroughfare Plan. She noted that a portion of the street was addressed through the 2007 Bond Program and hoped that the remainder of the street would be included in the next Bond Program.

Councilmember Ramos moved to adopt the proposed Ordinance. Councilmember Rodriguez seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, Taylor, Ramos, Cortez, Lopez, Rodriguez, Williams, Chan, Clamp, and Mayor Castro. **NAY:** None. **ABSENT:** Medina.

## **RECESSED**

Mayor Castro recessed the meeting at 2:53 pm and announced that the meeting would resume at 6:00 pm for Citizens to be Heard.

## **CITIZENS TO BE HEARD**

Mayor Castro reconvened the meeting at 6:00 pm and called upon the individuals registered to speak.

Nazirite Ruben Flores Perez referenced a Bible verse from Leviticus regarding tattoos and spoke of the abyss. He also spoke of the seven-headed dragon referenced in Revelations.

Patrick Greene spoke of an incident that occurred in May in which an Animal Care Officer answered an emergency call on Kentucky Avenue. He added that the Officer picked up an injured cat but proceeded to issue citations and a dog license without providing immediate care to the cat. He stated that the Officer violated City Code and the Texas Penal Code. He asked why he had not received a response from Councilmember Chan, the City Attorney, or the City Manager on said matter.

Councilmember Chan stated that she would discuss the issue with her staff and follow up with Mr. Greene.

Drew Schaffer stated that he was 14 years-old and attended Keystone School. He congratulated Mayor Castro and the City Council for being designated as a Bronze-Level Bicycle Friendly Community by the League of American Bicyclists. He spoke of his concerns regarding urban sprawl noting that it ravages the natural environment. He mentioned that it also threatens endangered species including the Golden-Cheek Warbler, and increases air pollution by forcing individuals to drive for longer periods of time. He stated that various studies had indicated that there was a significant link between sprawl and health issues including high blood pressure and obesity. He spoke in support of New Urbanism, a school of thought that advocates for dense, mixed-use neighborhoods with transit, bike, and pedestrian-oriented development.

Mark Perez expressed concern with his loss of stillborn twins in 2005 during the time he worked at the Tetco Facility. He spoke of the company's release of hazardous chemicals to the community. He asked of the waiving of permits and noted that many facilities were in violation of city ordinances. He stated that the business at 7811 S. Presa was operating without a Certificate of Occupancy.

Pedro Ruiz invited the City Council to attend the Indigenous Dignity Day Human Rights March on Saturday, October 9<sup>th</sup> at 4:00 pm. He added that they would assemble at Columbus Park and hoped to stop deportation and bring awareness to the need for Immigration Reform. He read a poem that he wrote about the last battle between the Aztecs and Spaniards.

Nick Calzoncit stated that his goal was to call attention to the greatness of the Mexican and Mexican-American Cultures. He spoke of the rights of Mexican-Americans and expressed concern with the high dropout rates. He noted that it was important to educate the Mexican-American population regarding their status and asked that a committee be formed to study and investigate the responsibilities of the city to all cultures. Lastly, he requested that the schools named after people of violence be renamed.

Faris Hodge, Jr. sang Happy Birthday to Leticia Vacek. He stated that he produced a television show called the "Faris Hodge, Jr. Wake Up and Smell the Coffee Show" that would air on Channel 20 on Saturdays at 7:30 pm. He showed a photo of Judge Wolff promoting the solar power system above the Bexar County Justice Center. He expressed concern that the Library charged 25 cents per copy and that they utilized a dust pan and broom to sweep the carpet. He spoke of restaurants that are not being inspected and asked that the Citizens to be Heard portion of the Council Meeting be aired on television. He expressed concern that CPS Energy did not reconnect electricity after 5:00 pm and spoke in opposition to the Quiet Zone proposed in his neighborhood. He mentioned that the city had received \$15.6 million to fight childhood obesity. He asked of the cost of installation of a sprinkler system in the Municipal Plaza Building.

Antonio Diaz invited everyone to support the Indigenous Human Rights March and stated that he had requested a city proclamation for October 12<sup>th</sup> as Indigenous Rights Day and hoped to have it soon.

### **ADJOURNMENT**


There being no further discussion, Mayor Castro adjourned the meeting at 6:26 pm.

**APPROVED**



**JULIÁN CASTRO**  
MAYOR

Attest:



**LETICIA M. VACEK, TRMC/CMC**  
City Clerk